

## **II. REMARKS/ARGUMENTS**

### **A. Status of Claims**

Claims 49, 50, 53, and 68 have been amended without prejudice. Support for amendments can be found, e.g., throughout the specification.

Claim 58 has been withdrawn without prejudice.

Claims 1-37 and 39-46 were previously cancelled without prejudice.

Claims 38 and 47-68 are currently pending, with claim 58 withdrawn from the consideration.

Applicants respectfully submit that no new matter has been added by virtue of these amendments.

### **B. Election of Species Requirement**

In the Office Action, the Examiner requested that Applicant elects a single species from each of the following genuses:

- (i) sustained release carrier from claim 56 (i.e., one species from the group consisting of “an alkylcellulose; a hydroxyalkylcellulose; an acrylic polymer; a fatty acid; a fatty alcohol; a glyceryl ester of fatty acids; a mineral oil or wax; a vegetable oil or wax; a polyalkylene glycol; shellac; zein; and mixtures of any of the foregoing”);
- (ii) pain from claims 57, 67 and 68 (i.e., one species from the group consisting of “cancer pain, post-surgical pain, low back and neck pain, dysmenorrhea, headache, toothache, pain from sprains and strains, myositis, neuralgia, synovitis, arthritis, degenerative joint diseases,

- gout, ankylosing spondylitis, bursitis, burns, injuries, influenza or other viral infections, and common cold”); and
- (iii) tablet formulation from claims 58-61 (elect either “a sustained release coating” or “a sustained release carrier incorporated into an oxycodone matrix”; and elect either “particles with a diameter from about 0.1 mm to about 2.5 mm” or “particles with a diameter from about 0.5 mm to about 2 mm”).

In response, Applicants hereby elect, without traverse, (i) alkylcellulose as the species of sustained release carrier, (ii) arthritis as the species of pain, and (iii) a sustained release carrier “being incorporated into a matix with” with oxycodone and a diameter of “about 0.5 mm to about 2 mm” as the species of the tablet formulation.

Applicants respectfully submit that the elected species are encompassed by claims 38, 47-57, and 59-68.

### III. CONCLUSION

An early and favorable action on the merits is earnestly solicited. The Examiner is respectfully requested to contact the undersigned at the telephone number provided below in the event that a telephonic interview will advance the prosecution of the application.

Respectfully submitted,

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